



Federal Register

**Monday,
December 3, 2001**

Part XLI

Railroad Retirement Board

Semiannual Regulatory Agenda

RAILROAD RETIREMENT BOARD (RRB)

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda contains lists of regulations that the Board is developing

or proposes to develop in the next 12 months and regulations that are scheduled to be reviewed in that period.

ADDRESSES: 844 North Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, (312) 751-4945, FAX (312) 751-7102, TDD (312) 751-4701.

SUPPLEMENTARY INFORMATION:

Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda.

Dated: August 24, 2001.
By Authority of the Board.

Beatrice Ezerski,
Secretary to the Board.

Railroad Retirement Board—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
4019	Requests for Reconsideration and Appeals Within the Board	3220-AB03
4020	Designation of Central and Field Organization	3220-AB35
4021	Application for Annuity or Lump Sum	3220-AB46
4022	Assessment or Waiver of Interest, Penalties, and Administrative Costs With Respect to Collection of Certain Debts	3220-AB48

Railroad Retirement Board—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
4023	Freedom of Information Act Requests	3220-AB47
4024	Appendix 1 to Part 220—Listing of Impairments	3220-AB51

Railroad Retirement Board—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4025	Reduction and Non-Payment of Annuities by Reason of Work	3220-AA61
4026	Voluntary Quit	3220-AA75
4027	Determining Disability	3220-AA99
4028	Creditable Railroad Compensation	3220-AB23
4029	Determining Disability	3220-AB50

Railroad Retirement Board—Completed Actions

Sequence Number	Title	Regulation Identification Number
4030	Application for Annuity or Lump Sum	3220-AB45
4031	Use of the Seal of the Railroad Retirement Board	3220-AB49

Railroad Retirement Board (RRB)

Proposed Rule Stage

4019. REQUESTS FOR RECONSIDERATION AND APPEALS WITHIN THE BOARD**Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231f(b)(5); 45 USC 231g; 45 USC 355**CFR Citation:** 20 CFR 260; 20 CFR 320**Legal Deadline:** None**Abstract:** The RRB is amending its regulations to provide for its field offices to make timeliness determinations on requests for reconsideration of decisions of the RRB's various adjudicating units.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4945
TDD Phone: 312 751-4701
Fax: 312 751-7102**RIN:** 3220-AB03**4020. DESIGNATION OF CENTRAL AND FIELD ORGANIZATION****Priority:** Info./Admin./Other**Legal Authority:** 45 USC 231f(b)(5); 45 USC 362(l)**CFR Citation:** 20 CFR 200**Legal Deadline:** None**Abstract:** The Board proposes to amend its regulations, which describe its organization and general course of operations to reflect recent reorganizations.**Timetable:**

Action	Date	FR Cite
NPRM	09/05/01	66 FR 46408
NPRM Comment	11/05/01	
Period End		
Final Rule	02/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4945
TDD Phone: 312 751-4701
Fax: 312 751-7102**RIN:** 3220-AB35**4021. APPLICATION FOR ANNUITY OR LUMP SUM****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231d; 45 USC 231f**CFR Citation:** 20 CFR 217.9; 20 CFR 217.30**Legal Deadline:** None**Abstract:** The Railroad Retirement Board amends sections 217.9 and 217.30 of its regulations to accept a spouse annuity application, when filed simultaneously with the railroad employee's application for a disability annuity, to be filed more than three months in advance of the earliest annuity beginning date.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo, Assistant General Counsel, RailroadRetirement Board, 844 North Rush Street, Chicago, IL 60611
Phone: 312 751-4945
TDD Phone: 312 751-4701
Fax: 312 751-7102**RIN:** 3220-AB46**4022. ASSESSMENT OR WAIVER OF INTEREST, PENALTIES, AND ADMINISTRATIVE COSTS WITH RESPECT TO COLLECTION OF CERTAIN DEBTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231f(b)(5); 45 USC 362; 31 USC 3717**CFR Citation:** 20 CFR 200.7**Legal Deadline:** None**Abstract:** The Railroad Retirement Board amends its regulations to permit waiver of interest, penalties, and administrative costs in cases where a debt is being recovered by setoff from current annuities if the debt was not caused by fraud. This amendment will conform the regulation to current agency practice.**Timetable:**

Action	Date	FR Cite
NPRM	09/05/01	66 FR 46408
NPRM Comment	11/05/01	
Period End		
Final Rule	02/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
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Fax: 312 751-7102**RIN:** 3220-AB48

Railroad Retirement Board (RRB)

Final Rule Stage

4023. FREEDOM OF INFORMATION ACT REQUESTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231f(b)(5); 45 USC 362; 5 USC 552**CFR Citation:** 20 CFR 200.4**Legal Deadline:** None**Abstract:** The Railroad Retirement Board amends 20 CFR 200.4 to direct all Freedom of Information Act requests to the Board's General Counsel, and to extend the time within which

responses may be made from 10 to 20 working days as provided by the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/01	

RRB

Final Rule Stage

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Agency Contact: Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
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RIN: 3220-AB47**4024. • APPENDIX 1 TO PART 220—LISTING OF IMPAIRMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231a; 45 USC 231f**CFR Citation:** 20 CFR 220.110; 20 CFR 220, app. 1**Legal Deadline:** None

Abstract: The Railroad Retirement Board amends 20 CFR 220.110 and app. 1—Listing of Impairments, to conform the medical criteria that apply to disability determinations to the medical criteria in the Social Security Administration's regulations (20 CFR 404, subpart P, app. 1).

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

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RIN: 3220-AB51

Railroad Retirement Board (RRB)

Long-Term Actions

4025. REDUCTION AND NON-PAYMENT OF ANNUITIES BY REASON OF WORK**Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231f(b)(5)**CFR Citation:** 20 CFR 230**Legal Deadline:** None

Abstract: The Railroad Retirement Board amends 20 CFR part 230 to explain how annuity deductions on account of work are assessed in accordance with current law.

Timetable:

Action	Date	FR Cite
NPRM	08/16/95	60 FR 42482
NPRM Comment Period End	09/25/95	60 FR 43999
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Agency Contact: Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
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RIN: 3220-AA61**Legal Deadline:** None

Abstract: A new part 328 is added to explain when unemployment insurance benefits are not payable because the employee voluntarily left employment.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Agency Contact: Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
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RIN: 3220-AA75**4027. DETERMINING DISABILITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231a; 45 USC 231f**CFR Citation:** 20 CFR 220.114**Legal Deadline:** None

Abstract: Section 114 of part 220 is being amended to expand the Board's description of the manner in which symptoms, including pain, are evaluated for purposes of determining disability.

Timetable:

Action	Date	FR Cite
NPRM	09/11/95	60 FR 47122
NPRM Comment Period End	11/13/95	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Agency Contact: Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
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RIN: 3220-AA99**4028. CREDITABLE RAILROAD COMPENSATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231f**CFR Citation:** 20 CFR 211.3**Legal Deadline:** None

Abstract: The RRB amends its regulations regarding the creditability of pay for time lost to prohibit the crediting of pay for time lost beyond the date of a judgment or settlement, or in the absence of a judgment or settlement, beyond the date of payment. The Labor Member of the RRB dissents from this proposal and recommends allowing the crediting of pay for time lost in these circumstances when the

4026. VOLUNTARY QUIT**Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 362(l)**CFR Citation:** 20 CFR 328

RRB

Long-Term Actions

accompanying railroad retirement taxes are paid on the compensation.

Timetable:

Action	Date	FR Cite
NPRM	12/04/97	62 FR 61488
NPRM Comment Period End	02/02/98	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
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RIN: 3220-AB23

4029. • DETERMINING DISABILITY

Priority: Substantive, Nonsignificant

Legal Authority: 45 USC 231a; 45 USC 231f

CFR Citation: 20 CFR 220.143; 20 CFR 220.170

Legal Deadline: None

Abstract: The Railroad Retirement Board amends 20 CFR sections 220.143 and 220.170 to index the amount of earnings used to determine if an individual is engaged in substantial gainful activity (SGA) to any increase in the social security national average wage index, and to increase (from \$200 to \$530) the minimum amount of

monthly earnings to count during a trial work period, and then to index that amount to the social security national average wage index.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
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RIN: 3220-AB50

Railroad Retirement Board (RRB)

Completed Actions

4030. APPLICATION FOR ANNUITY OR LUMP SUM

Priority: Substantive, Nonsignificant

CFR Citation: 20 CFR 217.8

Completed:

Reason	Date	FR Cite
Final Action	05/17/01	66 FR 27554
Final Action Effective	05/17/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: Marguerite P. Dadabo

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RIN: 3220-AB45

4031. USE OF THE SEAL OF THE RAILROAD RETIREMENT BOARD

Priority: Info./Admin./Other

CFR Citation: 20 CFR 369

Completed:

Reason	Date	FR Cite
Final Action	05/31/01	66 FR 29475
Final Action Effective	05/31/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: Marguerite P. Dadabo
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RIN: 3220-AB49

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